

No. 250

AN ACT

Authorizing deductions from the wages or salary of any Commonwealth employee for the purchase of United States Savings Bonds.

United States Savings Bonds.

Deductions from wages or salaries of State employes for purchase of bonds authorized.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The State Treasurer, with the consent and approval of the Auditor General, may deduct from the wages or salary of any employee of this Commonwealth, such amount as the employee shall authorize in writing filed with him for the purchase for the employee of United States Savings Bonds. He may make such rules and regulations governing the purchase of the bonds as he may deem necessary. Such rules and regulations shall be incorporated in the employee's written authorization. The authorization of the employee may be withdrawn by the employee at any time upon filing written action of withdrawal with the State Treasurer.

Act effective immediately.

Section 2. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 19th day of July, A. D. 1951.

JOHN S. FINE

No. 251

AN ACT

To further amend the act, approved the nineteenth day of June, one thousand nine hundred thirty-one (Pamphlet Laws 589), entitled, as amended "An act to promote the public health and safety, by providing for the examination and licensure of those who desire to engage in the occupation of barbering; regulating barber shops and barber schools, and apprentices and students therein; regulating compensation for service rendered; conferring certain powers and duties on the Department of Public Instruction; and providing penalties," by changing the provisions as to fees charged apprentices and students and as to the powers of municipalities; removing the limitation on the payment of wages to apprentices; and transferring the administration of several provisions of this act to the State Board of Barber Examiners.

Barbers.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 3, act of June 19, 1931, P. L. 589, as last amended by act of May 23, 1947, P. L. 279, and amended in part by act of May 2, 1949, P. L. 862, further amended.

Section 1. Section 3 of the act, approved the nineteenth day of June, one thousand nine hundred thirty-one (Pamphlet Laws 589), entitled, as amended "An act to promote the public health and safety, by providing for the examination and licensure of those who desire to engage in the occupation of barbering; regulating barber shops and barber schools, and apprentices

and students therein; regulating compensation for service rendered; conferring certain powers and duties on the Department of Public Instruction; and providing penalties," as last amended by the act, approved the twenty-third day of May, one thousand nine hundred forty-seven (Pamphlet Laws 279), and amended in part by the act, approved the second day of May, one thousand nine hundred forty-nine (Pamphlet Laws 862), is hereby further amended to read as follows:

Section 3. (a) Any person not holding a certificate of registration under the provisions of the preceding section, and desiring to obtain a license under this act, shall make application under oath or affirmation, in such form as the [department] *State Board of Barber Examiners, hereinafter referred to as the board*, shall prescribe. Such application shall be accompanied by an affidavit, which shall be made by a practicing physician, and shall set forth that the applicant was examined, that a test of his or her blood was made, and that he or she is free from all contagious and infectious disease, is a citizen of the United States or has filed a declaration of intention. The applicant, at the time of filing such application and affidavit, shall pay to the department an examination fee of five dollars or such other fee as may be fixed by the [department] *board*, and shall present himself or herself at the next examination of applicants as hereinafter provided. The [department] *board* shall thereupon proceed to examine such person, after being satisfied that he or she is above the age of sixteen years, free from contagious and infectious disease, has a certificate showing graduation from an eighth grade school or its equivalent, and has either (1) studied the occupation for a period of two years, covering a period of at least *two thousand five hundred* (2500) hours as a registered apprentice under a qualified and practicing barber as hereinafter provided, or (2) studied the occupation and trained as a registered student in a registered and properly appointed and conducted barber school under the instruction of a registered teacher for a period of at least nine months, and served at least fifteen months, covering a period of at least *one thousand two hundred fifty* (1250) hours as an apprentice with a registered barber. Under no circumstances shall a student [or apprentice] receive wages, directly or indirectly, for service rendered. If the [department] *board* is satisfied as a result of the examination the applicant is possessed of requisite skill in said occupation to properly perform all the duties thereof, including his or her knowledge and ability in the antiseptic preparation of tools, shaving, hair cutting, and all the duties and services incident thereto, and is possessed of suffi-

Applicants for license.

Application and affidavit.

Examination fee.

Examination.

Qualifications.

Result of examination.

- Certificate of registration.
- Honorably discharged servicemen to receive additional credit in examination.
- Apprentice prior to induction into service may be examined within 1 year of honorable discharge.
- Qualifications of barber school teacher.
- Teacher's examination.
- Fees for teachers.
- Section 4, said act, as last amended by act of May 25, 1945, P. L. 1040, further amended.
- Persons permitted to take barber's examination.
- cient knowledge concerning the common diseases of the face and skin to avoid the aggravation and spreading thereof in the practice of said occupation, and the knowledge of the Barber's Licensing Laws, and rules and regulations of the department adopted thereunder, it shall enter his or her name in the register hereinafter provided for, and shall issue a certificate of registration to him or her authorizing him or her to practice such occupation, or to teach in registered barber schools as the case may be. Any person holding a certificate as a teacher may practice as a barber in any registered barber shop.
- (b) Any person who has been honorably discharged from service with the armed forces of the United States, and who takes an examination for licensure under the provisions of this act, shall have ten per centum added to his or her examination score.
- (c) Any person, registered as an apprentice barber prior to induction into the armed forces of the United States, may be admitted to an examination for licensure under the provisions of this act upon presentation of his or her certificate of honorable discharge from such service within one year from date thereof.
- (d) For any person to be registered as a teacher in a barber school, he must be at least twenty-three years of age, a graduate from an approved high school or its equivalent, and have had at least five years' experience as a registered barber in a registered barber shop in the State of Pennsylvania. The examination for a teacher's certificate shall differ from the examination for a barber's certificate in that it shall be of a more exacting nature and require higher standards of knowledge of the practice and theories of barbering, including ability to teach properly the various practices and theories of barbering, physiology, hygiene, elementary chemistry, relating to sterilization and antiseptics, massaging and manipulating the muscles of the face, neck, scalp, hair cutting, bobbing, shaving and trimming the beard, dyeing the hair, and the barber laws of this State, and the rules and regulations adopted by the [department and advisory committee] *board*. The registration fee for teachers shall be five dollars, and the annual renewal fee shall be five dollars.
- Section 2. Section 4 of said act, as last amended by the act, approved the twenty-fifth day of May, one thousand nine hundred forty-five (Pamphlet Laws 1040), is hereby further amended to read as follows:
- Section 4. (a) Any person who is at least eighteen years of age and of good moral character and temperate habits and has a certificate showing graduation from an eighth grade school or an equivalent education, as determined by an examination conducted by the depart-

ment, and either (1) Has a license or certificate of registration as a practicing barber from another state or country which has substantially the same requirements for licensing or registering barbers as required by this act, or (2) can prove by sworn affidavits that he has practiced as a barber for at least five years prior to making application in this State, shall upon the payment of the required fee, be granted permission to take an examination to determine his fitness to receive a certificate of registration to practice barbering. Should he fail to pass the examination, upon payment of the required fee, he may take one other examination if he so desires. In no event shall he or she be permitted to practice barbering until he or she has received a certificate of registration as a registered barber.

Section 3. Section 5 of said act, as last amended by the act, approved the second day of May, one thousand nine hundred forty-nine (Pamphlet Laws 862), is hereby further amended to read as follows:

Section 5, said act, as last amended by act of May 2, 1949, P. L. 862, further amended.

Apprentices and students.

Proviso.

Section 5. Nothing in this act shall prohibit any person from serving as an apprentice in such occupation under a registered barber of this Commonwealth, or from serving as a student in any barber school for the training of students in said occupation under the training of a duly registered teacher authorized to teach such occupation in this Commonwealth: Provided, That such apprentice or student shall apply to the department to have his or her name registered with the department, in a book which shall be kept by the [department] board, and secure a permit, upon the payment of a fee of one dollar, *which permit shall be valid for two years*, to practice as an apprentice under a duly registered barber, or as a student under a duly registered teacher—such permit to be displayed in front of his or her working chair. Students, upon graduation from a registered barber school and having served fifteen months' apprenticeship in a barber shop, and apprentices, upon completion of two years' apprenticeship in a barber shop as hereinbefore specified, shall make application for examination at the next regular period specified in this act. In case the applicant fails to pass such examination, he or she shall secure a new apprentice permit upon the payment of a fee of one dollar, which shall be valid until the next succeeding examination.

Apprentice permits, not exceeding four to practice as an apprentice barber may be issued at the discretion of the [department] board.

Section 4. Section 5.1 of said act, as added by the act, approved the twenty-third day of May, one thousand nine hundred forty-seven (Pamphlet Laws 278), is hereby amended to read as follows:

Section 5.1, said act, as added by act of May 23, 1947, P. L. 278, amended.

Credit allowed persons who practiced barbering during service with armed forces of United States.

Section 5.1. Any person who practiced barbering during any period of service with the armed services of the United States shall receive credit for such period of practice toward the two-year registered apprentice or registered student-apprentice period required by this act upon furnishing affidavits from his or her former immediate commanding officer or officers, or such other official documents, as may be proof to the [department] *board*, that he or she did practice barbering for such period whether or not such person was registered with the [department] *board* prior to his entry into the armed forces of the United States.

Section 6, said act, as amended by act of May 25, 1945, P. L. 1040, further amended.

Section 5. Section 6 of said act, as amended by the act, approved the twenty-fifth day of May, one thousand nine hundred forty-five (Pamphlet Laws 1040), is hereby further amended to read as follows:

Time and places of examinations.

Section 6. The [department] *board* shall hold public examinations on the second Mondays in March, June, September and December, in the cities of Philadelphia, Pittsburgh, Scranton, Harrisburg and Erie, at such hours as the board shall prescribe.

Section 8, said act, as last amended by act of May 23, 1947, P. L. 279, further amended.

Section 6. Section 8 of said act, as last amended by the act, approved the twenty-third day of May, one thousand nine hundred forty-seven (Pamphlet Laws 279), is hereby further amended to read as follows:

Certificate renewable annually.

Section 8. The certificate shall be renewed on or before the thirtieth day of April in each year, and the holders of said certificates of registration shall pay to the department the sum of two dollars or such other sum as may be fixed by the department for a renewal card. Any holder of a certificate of registration, who shall fail to apply for a renewal of his or her certificate on or before the thirtieth day of April in each year, and who continues the practice of barbering or any of its branches, shall, on conviction thereof before any magistrate, alderman, or justice of the peace, be subject to a fine of not more than ten dollars, to be collected by summary conviction as like fines are collected by law, or in case of non-payment of the fine to undergo an imprisonment for a period not exceeding ten days. Any such person shall have the right of appeal, as in other cases of summary conviction.

Renewal fee.

Penalty for practicing barbering without renewing certificate.

Sections 9, 10 and 11, said act, as last amended by act of May 25, 1945, P. L. 1040, further amended.

Section 7. Sections 9, 10 and 11 of said act, as last amended by the act, approved the twenty-fifth day of May, one thousand nine hundred forty-five (Pamphlet Laws 1040), are hereby further amended to read as follows:

Suspension or revocation of registration.

Section 9. The [department] *board* may suspend or revoke any permit or certificate of registration granted by [it] *the department* under this act to any person who (a) habitually indulges in the use of ardent spirits,

Reasons.

narcotics, or other stimulants to such an extent as, in the opinion of the [department] *board*, incapacitates such person from the duties of a barber; (b) has or imparts any contagious or infectious disease to any recipient of such person's services as a barber; (c) performs work in an unsanitary or filthy manner or place of business; (d) who is grossly incompetent; (e) who conducts his business of barbering on Sundays; (f) who displays any price list for barber services in or upon any part of premises of a barber shop in such manner that such list shall be visible from the outside of the barber shop; (g) unethical or dishonest practice or conduct; (h) employing an unlicensed person. Before any such permit or certificate shall be suspended or revoked for any of the reasons contained in this section, the holder thereof shall have notice in writing of the charge or charges against him or her, and shall at a day specified in said notice, which shall be at least five days after the service thereof, be given a public hearing before a duly authorized representative of the [department] *board* with a full opportunity to produce testimony in his or her behalf and to confront the witnesses against him or her. Any person whose permit or certificate of registration has been so suspended or revoked may, on application, have the same reissued to him or her upon satisfactory showing that the disqualification has ceased, except where such certificate was suspended or revoked for having or imparting any contagious or infectious disease in which case a new certificate shall not be issued for a period of at least one year, and then only after the provisions of this act have been fully complied with by such person in the same manner as if he or she had never been registered.

Notice of charge.

Public hearing.

Reissuance when disqualification ceases.

Section 10. The [department] *board* may adopt reasonable rules and regulations prescribing the sanitary requirement of each barber shop or barber school, in co-operation with the Department of Health, and shall cause the rules and regulations so approved to be printed in a suitable form and may transmit a copy thereof to the proprietor or person operating such barber shop or school, which shall at all times be kept conspicuously displayed in such shop or school. It shall be unlawful for any person to open either a new barber shop or move his shop to another place, or take over as owner an existing barber shop, until he or she has filed an application with the [department] *board* for the inspection, [and] approval *and registration* of such shop. It is further provided that no barber shop may open for business until said inspection has been had and the shop approved. It shall be unlawful for any person to sleep in, or for any owner or manager

Rules and regulations for shops and schools.

Unlawful acts.

Examination of shops and schools.

to permit any person to sleep in or use for residential purposes, any room used as a barber shop or a school of barbering. All rooms used for such purposes shall be used for barbering purposes, manicuring, shoe shining and such allied business, as may be approved by the [department] *board*. Any officer or duly authorized agent of the [department] *board* may enter and make reasonable examination of any barber shop or barber school during the business hours, for the purpose of ascertaining the sanitary conditions thereof, and ascertaining whether the shop or school, and all persons working therein, are properly licensed and registered. Any barber shop, barber school, or tools, appliances, and furnishings in use therein, kept in an unclean and unsanitary condition as to be a danger to health or to the creation and spreading of infectious and contagious diseases, is hereby declared to be a public nuisance, and the [department] *board* may suspend or revoke the certificate of the proprietor thereof or any person operating in such barber shop or school, or the permit hereinafter required for such shop, or school, or both the certificate and permit.

Public nuisances.

Department to keep register of shops, etc.

Section 11. The department shall keep a register in which shall be entered the names and addresses of the barber shops to which, and the names of all persons to whom, certificates of registration or permits for serving apprenticeship or as students are issued under this act, which register shall be open to public inspection during the business hours of the department.

Section 12, said act, as last amended by act of May 23, 1947, P. L. 279, and amended in part by act of May 2, 1949, P. L. 862, further amended.

Section 8. Section 12 of said act, as last amended by the act, approved the twenty-third day of May, one thousand nine hundred forty-seven (Pamphlet Laws 279), and amended in part by the act, approved the second day of May, one thousand nine hundred forty-nine (Pamphlet Laws 862), is hereby further amended to read as follows:

Supervision of shops.

Section 12. (a) All barber shops shall at all times be under the immediate supervision of a registered barber. In no barber shop shall there be more than one apprentice who must be at all times under the supervision of a barber authorized under this act to practice such occupation. All barber schools shall keep prominently displayed at every entrance to said school a sign reading "Barber School." Any copartnership, corporation, or person desiring to operate or conduct a barber shop or barber school, shall first secure from the [department] *board* a permit or registration certificate to do so, and shall keep the same prominently displayed. The fee for registration of each barber shop shall be two dollars for each permit, and the annual renewal fee shall be one dollar, and the fee for registration of each

Only one apprentice per shop.

Display of sign.

Permit for shop or school.

Fees.

barber school shall be fifty dollars, and the annual renewal fee therefor shall be twenty-five dollars. The [department] *board* may pass upon the qualifications, appointments, and course of study in said school, which shall be not less than [six] *nine* months. All barber schools shall have not less than one registered teacher for every twenty students, and in no case less than one full-time teacher, who shall be in attendance at all times during the hours the school is open for instruction.

Courses of study in schools.

(b) No school of barbering shall be granted a certificate of registration unless it requires as a prerequisite to admission thereto, graduation from an eighth grade school or its equivalent, as determined by an examination conducted by the department, and it shall attach to its staff, as a part-time teacher, a person licensed by the Commonwealth to practice medicine, and employ and maintain a sufficient number of competent teachers, registered as such, and shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum; shall keep a daily record of the attendance of each student; shall maintain regular class and instruction hours, which shall not be less than seven nor more than eight hours per day, the school is open for instruction; shall establish grades and hold examination before issuance of diplomas; and shall be required to maintain a course of study requiring not less than one thousand two hundred fifty hours for completion in not less than nine months; and shall comprise all of the subjects pertaining to barbering, the barber laws of this State, and the rules and regulations adopted by the [department] *board*; and shall include practical demonstrations and theoretical studies and studies in sanitation, sterilization and the use of antiseptics, cosmetics, and electrical appliances, consistent with the practical and theoretical requirements as applicable to barbering or any practice thereof.

Rules and regulations applicable to schools.

(c) No school of barbering shall permit its students to practice barbering on the public under any circumstances, except by way of clinical work upon persons willing to submit themselves to such practice, after first being properly informed that the operator is a student. No school of barbering shall directly or indirectly charge any money whatsoever for treatment by its students, or for materials used in such treatment.

Practice of barbering by students.

Section 9. Section 13 of said act, as last amended by the act, approved the twenty-fifth day of May, one thousand nine hundred forty-five (Pamphlet Laws 1040), is hereby further amended to read as follows:

Section 13, said act, as last amended by act of May 25, 1945, P. L. 1040, further amended.

Section 13. To shave or trim the beard, to cut hair, to shape the eyebrows, to give facial and scalp massag-

Occupation of barber defined.

Prohibited
acts.

ing, facial and scalp treatment, with any preparations made for this purpose, either by hand or by mechanical or electrical appliances, to singe and shampoo the hair or apply any makes of hair lotions or hair tonics, and to dye hair of any person, for compensation, direct or indirect, the person performing such service, shall be construed as practicing the occupation of barbering within the meaning of this act. No person shall practice, or attempt to practice, barbering for compensation, directly or indirectly, in any place other than a registered barber shop, except that any registered barber in a registered barber shop may furnish barber services to persons at their place of residence or in institutions in cases of sickness, incapacitation, confinement, and other emergencies: Provided, however, That nothing contained in this section shall be construed to include hospitals or colleges, and private schools for children, so-called beauty shops or hairdressing parlors or schools of beauty culture, except that it shall be unlawful and a violation of this act for any person to employ or to accept employment, in any such shops, parlors or schools, who has been refused a certificate by the [department] *board*.

Proviso.

Section 15, said act, as last amended by act of June 5, 1937, P. L. 1689, and amended in part by act of May 2, 1949, P. L. 862, further amended.

Section 10. Section 15 of said act, as last amended by the act, approved the fifth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1689), and amended in part by the act, approved the second day of May, one thousand nine hundred forty-nine (Pamphlet Laws 862), is hereby further amended to read as follows:

Penalty for
practice while
suffering from
certain diseases.

Section 15. (a) Any barber, *teacher*, apprentice or student, who shall practice the occupation of barber while suffering from contagious or infectious disease, or who shall knowingly serve any person afflicted with such disease, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred dollars, or undergo an imprisonment not exceeding thirty days, or both, at the discretion of the court.

Penalty for
spread of cer-
tain diseases.

(b) Any barber, *teacher*, apprentice or student, who shall infect any person, or who shall impart any contagious or infectious disease by reason of carelessness or negligence in the practice of such occupation, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding five hundred dollars, or to undergo an imprisonment not exceeding six months, or both, at the discretion of the court.

Municipal regu-
lation.

(c) Nothing contained in this act, or the act to which this is an amendment, shall be construed as prohibiting any municipality from adopting appropriate ordinances, not inconsistent with the provisions of this act

or the rules and regulations adopted thereunder, as may be deemed necessary to promote the public health and safety and regulate the conduct of barber shops and schools, and any municipality shall have power, by proper ordinances, to fix the days and hours during which barber shops in the said cities may be open for business [: Provided, however, That in any such ordinance, provisions shall be made that a designated local health or police official may, upon application of the proprietor of any barber shop, and upon proof that barber service to the public so requires, issue a permit effective for a limited time for the operation of a particular barber shop, at such times outside of and beyond those fixed in the said ordinances, as is required by temporary public necessity, with the power to renew the said permit upon further proof of public necessity]. *All municipalities with proper ordinances shall have power to enforce the provisions of this section.*

(d) It shall be unlawful—

Unlawful
acts.

[(a)] (1) To own, manage, operate or control any barber shop, unless continuously hot and cold running water be provided for therein, except in communities lacking such facilities.

[(b)] (2) To own, manage, operate or control any barber school, or part or portion thereof, whether connected therewith or in a separate building, wherein the practice of barbering is engaged in or carried on, unless all entrances to the place wherein the practice of barbering is so engaged in or carried on, shall display a sign indicating that the work is done by students exclusively.

[(c)] (3) To own, manage, control or operate any barber shop or school, unless the same displays a recognized sign indicating that it is a *registered* barber shop or school, which shall be clearly visible at the main entrance to said shop.

[(d)] (4) For the owner of any barber shop to display a permit or certificate of registration of any barber not employed in such shop.

[(e)] (5) For the owner of any barber school to display a certificate of registration of any teacher not employed in such school.

(e) The [department and advisory committee] *board* shall have power to make such other rules and regulations and prescribe such other sanitary requirements as shall be deemed necessary to carry out the provisions of this act.

(f) Any person who shall violate any of the provisions of this act, except as herein otherwise provided, shall, upon summary conviction thereof, be sentenced to pay a fine of not less than ten dollars nor more than ninety dollars, or to undergo an imprisonment of not

Penalties.

Appeal.

less than ten days nor more than sixty days, or both, at the discretion of the court. Any such person shall have the right of appeal as in other cases of summary conviction.

APPROVED—The 19th day of July, A. D. 1951.

JOHN S. FINE

No. 252

AN ACT

To further amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by creating the State Board of Barber Examiners as a departmental administrative board in the Department of Public Instruction.

"The Administrative Code of 1929."

So much as relates to Department of Public Instruction of section 202, act of April 9, 1929, P. L. 177, as last amended in part by acts of May 9, 1949, P. L. 1003, May 12, 1949, P. L. 1289, and May 23, 1949, P. L. 1717, further amended.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. So much as relates to the Department of Public Instruction of section 202 of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all